

3299. Adulteration and misbranding of Scuppernong wine and Catawba unfermented grape juice. U. S. v. The Bay View Wine Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. Nos. 4447, 4606, 4768. I. S. Nos. 14592-d, 14590-d, 14589-d.)

On April 3, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Bay View Wine Co., a corporation, Sandusky, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Ohio into the State of Kentucky:

(1) On or about February 14, 1912, of a quantity of so-called Scuppernong wine which was adulterated and misbranded. This product was labeled: "Special Queen of Lake Erie Ohio Scuppernong Wine Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law Special."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed in grams per 100 cc, except where otherwise indicated:

Specific gravity, 15.6°/15.6° C.....	1.0563
Alcohol (per cent by volume).....	12.66
Total solids.....	18.87
Sugar-free solids.....	2.16
Reducing sugar.....	8.78
Sucrose.....	7.93
Total acid as tartaric.....	0.555
Fixed acid as tartaric.....	0.360
Volatile acid as acetic.....	0.156
Total tartaric acid.....	0.080
Free tartaric acid.....	0.00
Cream of tartar.....	0.100
Tartaric acid to alkaline earths.....	0.00
Tannin and coloring matter.....	0.019
Polarization, at 20° C., direct (°V.).....	+5.3
Polarization, at 20° C., invert (°V.).....	-4.8
Polarization, at 87° C., invert (°V.).....	0.0
Ash.....	0.154
Alkalinity water-soluble ash (cc N/10 acid per 100 cc).....	8.4
Alkalinity water-insoluble ash (cc N/10 acid per 100 cc).....	5.4
Sodium oxid (Na ₂ O).....	0.0153
Potassium oxid (K ₂ O).....	0.0621
Chlorin (Cl).....	0.0277

Adulteration of this product was alleged in the information for the reason that an imitation of Scuppernong wine, prepared in whole or in part from grape pomace, had been substituted wholly or in part for the genuine Scuppernong wine which the article purported to be. Misbranding of the product was alleged for the reason that a statement, "Scuppernong wine," borne on the label, was false and misleading, in that it misled and deceived the purchaser into the belief that the product was Scuppernong wine, when, as a matter of fact, it was an imitation Scuppernong wine prepared in whole or in part from grape pomace. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong wine," when, as a matter of fact, it was an imitation Scuppernong wine, prepared in whole or in part from grape pomace.

(2) On or about February 14, 1912, of a quantity of so-called Catawba unfermented grape juice which was adulterated and misbranded. This product was labeled: (On bottle) "Catawba Unfermented Grape Juice. The Golden Eagle Brand. Trade Mark: Merit, Purity. The Bay View Wine Co., Sandusky, Ohio." (On neck) "Preserved with sulphur dioxide (SO_2) being about .035 of one per cent due to the burning of the sulphur in the storage casks. Vintage 1910."

Analysis of a sample of the product by said Bureau of Chemistry showed that the product was not a pure Catawba grape juice, and that its composition had been altered by the use of materials other than freshly pressed Catawba grape juice. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture of grape juice, water, and sugar, had been mixed and packed with the article so as to reduce, or lower, or injuriously affect its quality or strength, and that said substance had been substituted wholly or in part for the pure unfermented grape juice which the article purported to be. Misbranding of the product was alleged for the reason that the statement on the label thereof, "Catawba unfermented grape juice," was false and misleading, in that it conveyed the impression that the product was the unfermented juice of Catawba grapes, whereas, in fact, the same was a mixture of grape juice, sugar, and water. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being represented as a pure unfermented grape juice, whereas, in fact, the same was not a pure grape juice but a mixture of grape juice, sugar, and water.

(3) On or about February 17, 1912, of a quantity of so-called Scuppernong wine which was adulterated and misbranded. This product was labeled: "Select Scuppernong Wine. The Golden Eagle Brand Purity Quality Trade Mark The Bay View Wine Co., Sandusky, Ohio. Guaranteed under the Pure Food and Drugs Act, June 30, 1906, Serial No. 307 Special The Golden Eagle Brand."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results, expressed in grams per 100 cc, except where otherwise noted:

Specific gravity, 15.6°/15.6° C.....	1.0552
Alcohol (per cent by volume).....	12.50
Total solids.....	18.53
Sugar-free solids.....	1.87
Reducing sugar.....	6.12
Sucrose	10.54
Total acid as tartaric.....	0.596
Fixed acid as tartaric.....	0.422
Volatile acid as acetic.....	0.139
Total tartaric acid.....	0.114
Free tartaric acid.....	0.00
Cream of tartar.....	0.122
Tartaric acid to alkaline earths.....	0.010
Ash	0.172
Alkalinity of water-soluble ash (cc N/10 acid per 100 cc).....	7.0
Alkalinity of water-insoluble ash (cc N/10 acid per 100 cc).....	5.6
Potassium oxid (K_2O).....	0.0548
Sodium oxid (Na_2O).....	0.0139
Chlorin (Cl).....	0.0253

From this analysis it was found that this wine was artificially prepared to resemble Scuppernong wine.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture containing sugar, water, flavor, and the juice of grapes other than Scuppernong had been substituted wholly or in part for the article (Scuppernong wine). Misbranding of the product was alleged for the reason that the statement "Select Scuppernong Wine," borne on the label of the bottle in which it was offered for sale, was false and misleading, in that, as a matter of fact, the contents of the bottle was not Scuppernong wine but an imitation Scuppernong wine, prepared in whole or in part from sugar, water, flavor, and the juice of grapes other than Scuppernong, and for the further reason that it was an imitation of Scuppernong wine and was offered for sale under the name of Scuppernong wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Select Scuppernong Wine," whereas, in truth and in fact, it was not Scuppernong wine, but was an imitation Scuppernong wine prepared in whole or in part from sugar, water, flavor, and the juice of grapes other than Scuppernong.

On January 10, 1914, the defendant company entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3300. Misbranding of vodka. U. S. v. Haiman Horowitz et al. (Russian Monopol Co.). Plea of guilty. Three defendants sentenced to pay a fine of \$100 each. Indictment nol-prossed as to two defendants. (F. & D. Nos. 4476, 4582. S. Nos. 1494, 1529.)

At the September, 1912, term of the District Court of the United States for the Eastern District of New York the grand jurors of the United States, within and for the district aforesaid, returned an indictment against Haiman Horowitz, Leon Katz, Isidore Cuba, Sam Shulman, and Isaac Shulman, the said name Isaac being fictitious, true first name being unknown to the grand jurors aforesaid, each of said defendants of Brooklyn, N. Y., charging that said defendants on August 1, 1912, at the Borough of Brooklyn, N. Y., did knowingly, willfully, unlawfully, wickedly, and corruptly conspire, combine, confederate, and agree together and with divers other persons to the grand jurors aforesaid unknown to commit an offense against the United States in and by the violation of the Act of Congress approved June 30, 1906, commonly called the Food and Drugs Act, that is to say, in and by engaging in the business conducted in and under the name of the Russian Monopol Co. and in and by unlawfully inducing and assisting in the introduction into various States of the United States from the State of New York articles of food misbranded within the meaning of said act of Congress approved June 30, 1906, and in and by shipping and delivering and assisting in the shipment and delivering and procuring such shipment and delivery from the State of New York to the State of Pennsylvania and other States such misbranded articles of food. It was further charged in the indictment that the article of food was misbranded in that the labels on the bottles, packages, and receptacles containing said article of food bore statements, designs, and devices regarding such article and the ingredients and substances contained therein which were false and misleading, and in that said article of food was falsely branded and produced, and in that it was an imitation of and offered for sale under a distinctive name of another article,